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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-first session

PROVISIONAL SUMMARY RECORD OF THE 956th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 14 August 1992, at 11 a.m.

Chairman: Mr. DIACONU

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Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

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The meeting was called to order at 10.10 a.m.

LETTER FROM MR. VALENCIA RODRIGUEZ

The CHAIRMAN read out a letter from Mr. Valencia Rodriguez, thanking the Committee for the flowers sent to him on the occasion of his unexpected illness. He suggested that the Secretariat should convey to Mr. Valencia Rodriguez the Committee's best wishes for a speedy recovery.

It was so decided.

REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY AT ITS FORTY-SEVENTH SESSION UNDER ARTICLE 9, PARAGRAPH 2, OF THE CONVENTION (agenda item 12) (continued) (CERD/C/41/CRP.1/Add.1, Add.3, Add.6, Add.7, Add.8, Add.8 (Part II), Add.9 (Part II) and Add.12)

Document CERD/C/41/CRP.1/Add.6

Mr. BANTON, Rapporteur, referring to paragraph 4, said that the third sentence should begin with the phrase: "There were said to be an estimated 35,000 ...", and the fourth sentence with the words: "It was alleged that houses had been destroyed ...". The penultimate sentence should be amended to read: "Members asked whether it was true that Act No. 89 on district councils, which guaranteed ethnic groups some representation, had no constitutional basis and in that event could be repealed." The last sentence should read: "The members of the Committee also asked what the Government's policy was with regard to population transfers, whether the populations inhabiting the areas to which others moved had been consulted, and whether they were in any way recompensed for any deterioration in their circumstances that might result."

Mr. ABOUL-NASR suggested that in the last sentence of paragraph 4 the phrase "It was also asked" should be substituted for "The members of the Committee also asked".

Mr. BANTON, Rapporteur, said that paragraph 5 should be amended to read: "With regard to article 2 of the Convention, the members of the Committee asked what measures had been taken to punish persons who had taken advantage of members of the backward sectors of the population."

The second sentence of paragraph 6 should be amended to read: "They understood from some sources that there were cluster camps in areas inhabited by indigenous peoples, and that people in those camps were subject to various restrictions, being unable to travel without permission, and members requested clarification on this subject."

In the last sentence of paragraph 8, the word "allegedly" should be inserted before the phrase "unlawful expropriation", and the words "had been seized" should be substituted for "could be seized".

The second sentence of paragraph 9 should be amended to read: "In that connection, it was asked whether it was the Government's policy to convert the members of the Jumma ethnic group to the Islamic faith, as alleged by some sources", and the third sentence should read: "In connection with freedom of opinion and expression, information was required on the assertion that the dissemination of an official report published following a mission of inquiry to the Chittagong Hill Tracts, and the reporting of related human rights violations had been prohibited by the authorities." In the last sentence of the paragraph, the phrase "persons originating from" should be substituted for the phrase "inhabitants of".

Finally, the second and third sentences of paragraph 10 should be combined to read: "They inquired about the access of Adivasis to courts when they sought to bring suits in the case of land disputes, and about a five-year project run by Caritas Bangladesh to provide legal assistance to Adivasis, which allegedly had been halted by the Government."

He proposed that a footnote should be added to the concluding observations on the report of Bangladesh, reading as follows: "Subsequently, the Committee received from the Permanent Mission of Bangladesh a communication denying a variety of allegations made during consideration of the report."

Mr. ABOUL-NASR said the footnote just read out seemed to be the best solution to the problem of the letter received from the Permanent Mission of Bangladesh and discussed the previous day. The Committee was duty-bound to refer to the letter and to the allegations made, but was doing so in a summary form, without attempting to reproduce any part of the letter.

He informed the Committee that he had had a meeting that morning with the Permanent Representative of Bangladesh, who had undertaken that there would be no follow-up to the episode, either in the General Assembly or in any other body.

Mr. BANTON, Rapporteur, proposed that the Committee should thank Mr. Aboul-Nasr for his efforts on its behalf.

Mrs. SADIQ ALI supported that proposal.

Mr. FERRERO COSTA also supported the proposal, but said he was not entirely clear as to the present position. Was it now the intention not to make any reply to the letter?

Mr. LAMPTEY said that now that Mr. Aboul-Nasr had succeeded in persuading Bangladesh to withdraw the substance of its letter, there was no need for a reply.

Mr. ABOUL-NASR recalled that the original position of the Permanent Mission of Bangladesh had been extreme: it had demanded official apologies from Mr. Yutzis and Mrs. Sadiq Ali as well as publication of its letter, and had threatened to pursue the matter in the General Assembly. However, all those demands had now been dropped. To react now would mean that the whole question would have to be reopened, and in his view it was most important that any confrontation should be avoided.

Mr. de GOUTTES joined in thanking Mr. Aboul-Nasr for so successfully accomplishing a difficult task. As he saw it, however, the situation was simple: either the Permanent Mission of Bangladesh had withdrawn its letter, in which case there was no need to make any reference to it, even in a footnote, or else it had not. In the latter case, some kind of action would have to be taken by the Committee.

The CHAIRMAN said that as he saw it, the proposed footnote was a diplomatic way of enabling the representative of Bangladesh to save face, while at the same time avoiding the need for making an official reply to the letter, a course which could be highly damaging to the Committee.

Mr. LAMPTEY appealed to Mr. de Gouttes not to press his proposal. The Permanent Mission of Bangladesh would undoubtedly have been acting upon formal instructions from its Government in sending the letter, and the Committee was obliged to acknowledge it in some way. The footnote proposed offered a satisfactory solution for both parties.

Mr. ABOUL-NASR also appealed to members not to reopen the debate. If Mr. Yutzis and Mrs. Sadiq Ali wished to write in their personal capacity to the Permanent Mission of Bangladesh explaining their position, they were free to do so. He himself agreed that the remarks complained of were perhaps unfortunate.

Mr. FERRERO COSTA said that if a majority of the Committee considered that there was no need for any reply to the letter, he would not insist. However, he believed that a mere footnote stating that the Committee had "received a communication" was not enough. The letter had referred very specifically to duties and responsibilities of individual members; it had also offered an interpretation of article 1, paragraph 1, of the Convention that was open to question, and the Committee ought not to remain silent on the matter. He could not agree with the solution proposed.

The CHAIRMAN said that since Bangladesh was no longer insisting on the original demands made in its letter, there was no need for the Committee to refer to them specifically. The footnote mentioning a "communication" was necessary, since under article 9, paragraph 2, of the Convention the Committee was required to take account of any comments made by States parties.

Mr. de GOUTTES said he was somewhat concerned that the Committee was now discussing at a public meeting a matter which had been dealt with the previous day at a closed meeting. As he understood it, the representative of Bangladesh had agreed not to take the matter further, but had not offered formally to withdraw its letter. That being so, he proposed that the Rapporteur should read out the preliminary draft of the reply considered the previous day, so that the Committee could hold that reply in reserve for use at the next session in the event of the original letter being made public.

Mr. LAMPTEY said that he did not agree with the proposal just made, which he regarded as negative. If the draft reply was to be read out, it would have to be debated. In view of the fact that Mr. Aboul-Nasr had been so successful in resolving the difficulty, he considered that the solution proposed by the Rapporteur was quite adequate.

Mr. SHAHI said he was in favour of adopting Mr. Banton's proposed footnote to the Committee's report. The summary records should state that, with regard to the allegations about the Committee's conduct, the observations it had made had been in accordance with article 9, paragraph 2, of the Convention, and that with regard to the complaint about the sources used, the Committee had referred to its recommendations of the previous year, which were that the Committee, as a body of independent experts, should have access to a wide variety of sources.

Mr. de GOUTTES said that he was not satisfied with the solution proposed by the Committee but that since the topic was being discussed at a public meeting, his views were known.

Document CERD/C/CRP.1/Add.6, as a whole, as amended, was adopted.

Document CERD/C/41/CRP.1/Add.7

Document CERD/C/41/CRP.1/Add.7, as a whole, was adopted.

Document CERD/C/41/CRP.1/Add.8

Document CERD/C/41/CRP.1/Add.8, as a whole, was adopted.

Document CERD/C/41/CRP.1/Add.8 (Part II)

Document CERD/C/41/CRP.1/Add.8 (Part II), as a whole, was adopted.

Document CERD/C/41/CRP.1/Add.9 (Part II)

In reply to a question from Mr. WOLFRUM, Mr. BANTON, Rapporteur, said that reference would be made in an earlier chapter of the report to the Committee's request for additional information from Papua New Guinea and two other States.

Mr. de GOUTTES, speaking as Country Rapporteur for Viet Nam, reminded the Committee that there would be no concluding observations on Viet Nam in view of its request for the Committee to postpone consideration of its report.

Document CERD/C/41/CRP.1/Add.9 (Part II), as a whole, was adopted.

Document CERD/C/41/CRP.1/Add.1

The CHAIRMAN said that paragraph 9 would be supplemented by a list of liaison officers and the bodies with which they would work.

In reply to a comment by Mr. van BOVEN, Mr. de GOUTTES said that he would be liaising with the Council of Europe and the Parliament of the European Communities.

Document CERD/C/41/CRP.1/Add.1, as a whole, was adopted.

Document CERD/C/41/CRP.1/Add.12

Document CERD/C/41/CRP.1/Add.12, as a whole, was adopted.

Document CERD/C/41/CRP.1/Add.3

Mr. BANTON, Rapporteur, proposed the introduction of two sub-headings, the first of which would be inserted between paragraphs 9 and 10 and would read: "Article 9, paragraph 1: requests for information". The second would be inserted between paragraphs 10 and 11 and would read: "Other action".

Document CERD/C/41/CRP.1/Add.3, as a whole, as amended, was adopted.

Letter to the Chairman of the Commission on Human Rights

Mr. BANTON proposed that a new paragraph should be inserted in chapter I of the report on organizational and related matters. The paragraph would read: "At its ... meeting, in view of a special session of the Commission on Human Rights which was being convened to consider developments in the former Yugoslavia, the Committee adopted a letter to the Chairman of the Commission (see annex ... to the present report)."

It was so agreed.

The draft report, as a whole, as amended, was adopted.

ORGANIZATION OF WORK

Working Group on national human rights bodies

Mrs. SADIQ ALI said that she had requested the establishment of a working group on national human rights bodies. The Committee should take a decision on setting up the working group and on its composition. The Secretariat could then make the relevant documentation available in advance to the members of the working group to enable them to prepare for meetings during the next session.

Mr. SHAHI expressed interest in joining the working group. He pointed out, however, that, if there were to be only one session of the Committee in 1993, and if that session were to be only of two weeks' duration, the working group might find it difficult to meet.

The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to set up the working group, which would consist of Mrs. Sadiq Ali, Mr. Ferrero Costa, Mr. Ahmadu and Mr. Shahi.

It was so agreed.

Revision of guidelines for reporting

Mr. BANTON said that he had drafted a new sentence to reflect the views expressed by members of the Committee regarding requests for further demographic information in the reports of States parties, but that it might be more appropriate to take up the matter at the next session.

The CHAIRMAN said that, as suggested, the Committee would return to the issue of revised guidelines at its next session.

Agenda for the next session

Mr. AHMADU said that, in preparing the Committee's next agenda, the Secretariat should ensure that items which had been held back for one or two years should take precedence over new items, unless that would cause problems in relation to the Committee's rules of procedure.

The CHAIRMAN said that the Secretariat would take note of Mr. Ahmadu's suggestion.

After thanking the members of the Committee and the Secretariat for their contributions to the Committee's proceedings, he declared the session closed.

The meeting rose at 12.50 p.m.